

Appl. No. 09/869,849
Amdt. dated March 18, 2004
Reply to Office Action of November 18, 2003

REMARKS

Reconsideration of this application, and the rejection of claims 1, 5 and 6 are respectfully requested. Applicant has attempted to address every objection and ground for rejection in the Office Action dated November 18, 2003 (Paper No. 13), which has been made final, and believes the application is now in condition for allowance or in better form for appeal. The claims have been amended to more clearly describe the present invention.

Claims 1 and 5 stand rejected under 35 USC §102 as being anticipated by Lanz (AT 401,868). Lanz discloses a bandage for the prevention of radial stress or luxation of the thumb, including a pulling strap 5 connected to the respective thumb and finger holding parts 1 and 2 and extending over the back of the hand (FIG. 2). This configuration is problematic in instances when a skier falls forward and thrusts his hands out to break a fall, with the wrists cocked back. In such a position (not infrequent in skiing falls), the strap 5 of Lanz will go slack and not provide adequate support.

In contrast, as amended, claim 1 has been revised to recite features of canceled claim 5. Claim 1 now recites, among other things, that the elongated strap having a length sufficient to extend from said stabilizing component, along the palm of the hand of the user, to and around the wrist and along the backside of the hand. This structure is quite distinct from the over-the-back-of-the-hand construction of Franz. Moreover, the structure as now claimed provides the user with additional support in the context of falls of the type described above. In view of the failure of Franz to disclose or suggest the structure now recited in amended claim 1, the rejection is respectfully traversed.


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Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lanz. The arguments asserted above traversing Lanz are reasserted here. In that claim 6 depends from amended claim 1, now asserted to be allowable, the rejection of claim 6 is respectfully traversed as well for the same reasons.

Applicant submits that in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. Alternatively, the claims are submitted to be in better form for appeal. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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